

UNITED STATES OF AMERICA

ASSEMBLY

ENROLLING ACT

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CHAPTER

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REMARKS

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OF OBSERVATIONS

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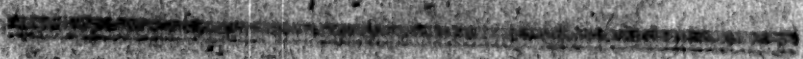
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OBSERVATIONS

UPON THE

Oath of Allegiance, &c.

AT this eventful crisis when we have recently been rescued from the danger of one invasion, and continue to be threatened with the prospect of another, every exertion to repress the energy, or damp the loyalty of the people, becomes doubly criminal, in proportion to the period when the effort is attempted, and furnishes a reasonable ground for presuming, that those who thus endeavour to enfeeble the strength of the nation, by corrupting

rupting its temper and disposition, are either secretly disposed to co-operate with the enemy, or privately hired to betray their country.

Among the many engines used to mislead the people, none have been more actively, or more successfully employed, by the emissaries of the French, and the advocates for their principles, than the objections which have been so artfully raised, and so generally circulated throughout the *North of Ireland*, against the *Oath of Allegiance*, as contained in the enrolling Act passed during the present Session, entitled, "*An Act for encouraging and disciplining such Corps of men as shall voluntarily enroll themselves under Officers commissioned by his Majesty for the defence of this Kingdom during the present war.*"

A distinction has been made, with regard to the nature, as well as to the terms of this oath, as false in fact, as it is ridiculous in idea, and many persons thus deceived are standing aloof from the defence of their country, in the moment of national peril,
under

under the erroneous persuasion that this oath, when taken, imposes upon their conscience a restraint which is new ; and binding them to the approbation and support of laws they condemn, compels them to relinquish hereafter the pursuit of their repeal ; or materially increases at least the difficulty of obtaining their abrogation. This opinion is now become a prevailing sentiment among the lower orders of society throughout the North ; and whilst they should be seen arrayed in arms to oppose the enemy, they are only to be found, with sullen indifference, declining to co-operate in the protection of their independence. Every good Citizen therefore, cannot but feel the alarm such conduct is naturally calculated to excite. Something more is at the bottom of it, than meets the public eye. To men of sense, the TRICK by which the multitude have been thus imposed upon, is obviously too shallow to require detection. But, to the ignorant and the deluded, it may be of some service to shew them by what contemptible arts they have been juggled into disloyalty ;

and that there is nothing either in the nature, or in the terms of this oath, but what is consonant to general usage ; or that places them, in respect to any obligation it imposes, with regard to any law they may dislike, in a situation different to that in which they stood, prior to the taking of such oath, as far as relates to such law, and the general right of the subject, upon all occasions, to prosecute by every constitutional mode the repeal of any statute he may disapprove : Such a right is co-eval with the constitution. No oath of allegiance can impair it.—It is interwoven with the very principle and structure of our government ; and is likewise secured to the people by the obligation of compact. It grows out of the great charter of their liberty ; and consequently, never can be effected by any oath like this, obligatory only upon such as are entrusted with arms, to support that government under which such right is held ; and to protect those laws by which it is maintained.

The following observations are therefore submitted to the consideration of those who
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assign their objection to this oath as an ostensible reason for declining to enroll; and they are offered with a view of removing the veil which has been cast around it, by explaining to them its real tendency and obligation.

It will not be foreign to the subject, briefly to recur to the occasion which gave rise to it. At the opening of the present Session the country was made acquainted with its danger, by the speech from the Throne; and that threat of invasion was publicly announced, which has since been endeavoured to be carried into execution. Parliament felt the necessity of an exertion proportioned to the magnitude of the crisis. And therefore with a view to leave the regular strength of the Island as much at liberty as possible in its operations against the enemy, and yet to protect the person and property of every individual, as well as to preserve the peace of each county in particular, in the event of the troops being marched away to a more central position, it was thought a measure highly conducive to the public security, to raise separate corps of

Yeomanry

Yeomanry in the different provinces of the kingdom; and in order to effectuate so desirable an end, an act was passed holding out encouragement to individuals to come forward and enrol themselves under the regulations contained in it, for the purposes described. Many good men, stimulated only by their loyalty, voluntarily enrolled themselves with a zeal which is the credit of the national character; and rating only their own safety, or convenience, by the measure of their attachment to their country, they were seen among the foremost pressing to be led against the enemy. The act, it is true, entitled them to remain within the narrow limits of their own little sphere; but their spirit like their loyalty, was only to be bounded by the shores of their country. Hence, with an emulation, an activity, and a generous devotion, which never can be too highly praised, they gallantly offered to participate in the hardships, to alleviate the toils, and share in the dangers of His Majesty's troops. Such energies were the best panegyrics upon the constitution; and the proudest eulogies upon the blessings enjoyed under the mild and paternal

paternal government of its sovereign. They became at once the harbingers of victory, and the pledge of security. The example was diffused. The enthusiastic loyalty of the South gave confidence to hope. Thousands rushed into arms, obedient to the sacred call of liberty at stake ; and experience has now shewn, that the martial spirit of the country is alive ; and that it is only when the Bayonets of Irish freemen have lost their force, that the daggers of French assassins can penetrate their ranks.

In the North alone, with few exceptions, were the people perceived to be insensible to this encouraging example of their fellow citizens. And while the enemy was anchored upon our coasts, there were not wanting those abject men who talked of bartering with their country for the purchase of their loyalty, by forcing her, in the moment of her presumed necessities, to accede to the extravagance of their claims, upon the speculative subject of parliamentary reform, as the disgraceful measure of its price. But they were crushed,
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by the contempt which pursued them. Still, however, the danger was pressing. Many gentlemen were extremely active in their efforts, not to be outdone by others in their zeal; but they failed, in a considerable degree, from the want of mutual co-operation, and unanimity among themselves, which would early have had the happiest effect, as well as from the want of a corresponding tone of sentiment among their tenantry, whose minds had been previously poisoned, with respect to the object of this act, and to the nature of the oath contained in it. They were told it imposed upon them all the rigours of military duty; and must hurry them to the most distant corner of the island, to perish by the sword of the enemy. It was urged that no honest man ought in these times to take the oath. That they ought to profess to be ready to enrol, but not under the provisions of it. In short, that they were only to be armed upon their own terms, which went to emancipate them very much from the controul of government. That this oath, if taken, bound them

to

to support the *laws and constitution*, which, it was insinuated, was an unusual mode of administering it. That they knew there were laws they reprobated. That any engagement, therefore, entered into, to swear to support these, was betraying the public cause, and rivetting the fetters of their country. It was their duty to abstain from swearing to support any system they condemned. They should only swear to maintain, what they approved to exist. These sentiments artfully disseminated, through every vehicle of calumny and sedition, sunk deep into the minds of the many weak to whom they were addressed; and when it was attempted to feel the pulse of their loyalty, by inducing them to enrol, it was early discovered that the spirit they excited was superior to the influence their landlords possessed.

In this state the North continued, and nearly remains at this moment.

The language, therefore, they now hold, with regard to the oath, is this:—First, waving
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their objection to enrolling, which is very general, and from whence their disposition is greatly to be inferred, they admit they are willing to swear they will support the *constitution*; and yet, they decline consenting to swear they will support the *law and constitution*.—How inconsistent!—Where is the difference between the one and the other? What is the constitution, but the aggregate of the laws? And what are particular laws, but component parts of one whole? The laws of a state are to its constitution, what the species is to its genus, included in it. To say then, they are willing to support the *constitution*, which necessarily involves every law connected with it; and yet, that they will not swear to support the *law and constitution*, no law being detached by itself, or standing separate from what constitutes the constitution, are declarations contradictory to each other, in as much as it is the same thing as to say, we will, and we will not support the constitution; for *laws and constitutions* are in this case clearly synonymous terms, (like *strength and force*.) and are the
invariable

invariable modes of expression indiscriminately used by the lawyer or historian, when speaking of the government of these realms. They constitute the very terms of the King's coronation oath; and are to be found in every oath of a similar tendency, which has been administered for the security of his Majesty's government, from the revolution down to the present period: And, without quoting the numerous authorities which occur in support of this interpretation, it will be sufficient to observe, that the expression of laws *and* constitutions, and laws *or* constitutions, are terms indifferently used, as signifying the same thing, (that is, the established government of the country) by a writer of the very first authority upon the British constitution; and in this sense they will be found to be applied by Acherley, in various passages of his excellent treatise upon this subject. To raise, therefore, any objection upon this head, is only endeavouring to make a distinction in a case wherein no possible difference can occur, for the purpose of concealing other objections, which it must be admitted cannot be so readily avowed.

But

But what doctrine, in its principle and effect, can be more dangerous to society than that which encourages the ignorant to imagine that the measure of their allegiance to the laws in general, is to be regulated by the scale of their approbation, or dislike to any law in particular?—Pending the discussion of a law, it is undoubtedly the right of the subject to oppose it, by every degree of constitutional resistance. But when once it has received the sanction of the legislature by enactment, it then becomes a legal organ of the national will, which speaks in the name of all demands submission, and support from all. When men enter into civil society, they bind themselves not merely to submit to laws; but pledge themselves equally to maintain them.—these are the primary obligations between the governing and the governed.—With us, they commence with the King, and descend to the subject. If the dislike of individuals to a particular law, could justify them in withdrawing their obedience, or withholding their support from it, every principle, by which political communities

communities are held together, would be inverted, since it would go to establish the absurd position that the minority of a nation is not to be bound by the will of its majority. So long, therefore, as any particular law exists, however it may be repugnant to private opinion, it forms a part of the constitution which cannot be detached from it, by the act of any individual, in the duty he is called upon to shew to every branch of it; but it is necessarily and essentially interwoven with the whole of that system, which generally they who enrol under this act, pledge themselves by the more particular obligation of an oath to maintain not as a concession, or infringement of any inherent right, but as a measure of security to the constitution. — Why is it, that they are thus sworn to support the laws? — Because they stand in a situation distinct from the public. With the latter the means of subverting the government in the same degree, do not exist, if the wish prevailed. But when the former are armed, embodied, and arrayed, they are placed in a situation by which, both
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the laws, and the public may be overawed.— It is therefore, to guard against the danger which might accrue to both, that it has wisely been thought expedient to impose this restraint upon the consciences of men invested with military power and authority, as a greater security to the state against the breach of any duty concomitant upon such a trust.

Those therefore, who take this oath will perceive, that it does not call upon them to do any thing out of the line of what is usual: that it neither curtails, nor violates any privilege, nor imposes upon them any other obligation than what is in fact, antecedently to their taking it, usually attaches to the obligation of citizenship, which binds every man to uphold the laws, and to be true and loyal to the government under which he lives, and from whence he derives his security, or whatever of benefit belongs to his condition. It can therefore, only be for purposes the most wicked that the people have been made to believe, that the oath, when taken, is an obligation

obligation to desist from protesting by every legal and constitutional means, the repeal of any law obnoxious to their feelings, or lays any restraint upon their conduct, even while enrolled under the act, in pursuing all lawful means to obtain such repeal;—on the contrary, it leaves them precisely in the situation in which they were before, with respect to all the advantages they derive from the constitution.—Every civil right remains untouched.—It binds them only, as a measure of security, whilst they have arms in their hands, to swear that they will employ them to the preservation and not to the destruction of the state; and that they will when called upon to act, resist every hostile attack against any law, so long as such law, remaining unrevoked, continues to form a part of that constitution, or government, which under the regulations and provisions of this act, they are embodied to protect.—And such obligation extends only within the barony, city, or town, wherein the place of first assembling shall be appointed, and within every barony, city, or town immediately

ately adjoining thereto. This is the extent of the oath. It is therefore only to be considered as the condition of a compact, or bond of union, between the King and the Subject, wherein neither the civil rights of the latter are invaded, nor the prerogative of the former unduly extended.—The King grants certain advantages to those who enrol under this act, which are not enjoyed in common by his Majesty's other subjects; and he places them in a situation in which his other subjects do not stand—that is, he invests them with a military arm for a military purpose, which may be directed to any dangerous design.—In return, he requires nothing more than the usual security common upon all such occasions, namely—that those to whom he has entrusted the means of defence, shall be restrained by the additional tie of a religious obligation from converting them into an instrument of attack against his crown and dignity, the peace of his kingdom, and the liberty and security of his subjects.

Such

Such is the nature of the oath; and such is the only construction which a candid investigation of the obligation it imposes, will admit. With respect to the act itself, which has already been productive of so much public benefit, it is a measure of temporary convenience, during the present war, calculated to give confidence and security to the country at large, at a moment of impending urgency, and imposes the least possible restraint upon the situation of any individual enrolling under it.—It is merely an armed association for the protection of property, and the preservation of the peace, against all marauders and disturbers of the public quiet, under the sanction and authority of government, and not a military levy liable to be employed upon distant and dangerous expeditions.—It calls upon no man to go into the line.—It compels no individual to march out of his county.—It only invites him to defend his home, and to unite for the laudable purpose of ensuring to the law national support; by securing to every neighbour around him, by the guarantee of

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mutual

mutual assistance, that free and undisturbed enjoyment of the fruits of his industry, and that personal protection to his liberty and life, in the case of any violence being offered to either, which it must be his wish to derive from society himself, under the authority of those laws by which he is governed.

This act therefore, by the local means of defence it establishes in every county, supplies the absence of the army, and yet, ensures an increased degree of protection from it; in as much, as that by enabling government, in the event of necessity, to concentrate the regular strength of the kingdom, it secures at that applying it with a more powerful effect to the general security of the subject, than otherwise could be done, if our military forces were less united in their operations against the enemy, or their numbers reduced, by the necessity of allotting to particular districts a certain proportion of them as a security against any interruption of the peace.

But

But what is the construction the public will put upon the conduct of those, who, in a moment of national danger thus artfully avail themselves of such flimsy objections to abstain from co-operating in the defence of their country? Will it not be said, these puerile objections to a particular law, are but a cloak to conceal those obligations into which they have entered, for the purpose of undermining the whole fabric of our government, by secretly extending a general system of disaffection throughout the land? Will it not strike at the reputation of their loyalty, and affix an indelible stain upon the character of the North? In short, will it not be urged, that they have taken unlawful oaths to which this legal one is repugnant, and that in preference to arming to protect their country, they are privately co-alescing to be the instruments of overthrowing her? And what is this, but to say, they are *United Irishmen*, that is, that they belong to a body of individuals, who, degrading the dignity of this social title, have assumed it as a symbol of union among them-

selves, to link it into a rebellious badge of
 disaffection to the laws? And where is the
 well intentioned man, who, declining to enrol,
 on the ground alone of his objection to this
 oath, will suffer himself to labour under this
 imputation, while invasion is hovering over
 his head, in preference to giving to his country,
 at this perilous crisis, an unequivocal pledge of
 his loyalty, at a moment when suspicion,
 justified by circumstances, as well as fact sus-
 tained by proof, point out so many men of
 this description to be dispersed throughout the
 northern parts of the kingdom? These are
 not times for yielding to such suspicious objec-
 tions; or betraying a criminal indifference
 to the public weal. If we are to be United
 Irishmen, let us be so, in the loyal and natural
 construction of the term, by shewing, that
 we are all united in the love of our country
 the preservation of the constitution, the support
 of the laws, and the common defence of the
 kingdom. Let these be the sacred ties of
 union to connect us together. Between the
 enemy and us, let us place our laws, our rights,
 our

our liberties and our religion. We are then invincible.

But when we are threatened with renewed attack, are we to stand upon the narrow ground of objecting to a particular law, as a justifiable reason for declining to enrol in support of the constitution in general?—or rather, ought we not, in the contemplation of its numerous blessings, to abandon an inaction which may, eventually, endanger every vital privilege we possess?—that laws have recently been enacted, against which a considerable degree of objection has been raised, it cannot be denied. But where is the patriot who will condemn them? or, who are the parties they oppress?—it is true, there are many who disapprove of the Convention, the Gunpowder, and Insurrection bills: But what occasioned these?—the necessity of the times. Who were the proper judges of that necessity? The legal representatives of the nation, who felt the imperious and immediate call for enacting these temporary laws to save the land from being over-run with demagogues, and plunderers

plunderers; When, the most criminal designs are proved to have been entertained against the peace, the safety, and the independence of the kingdom—when the laws have been openly invaded, and the blood of the magistrate has publicly flowed—when the most eminent individuals have notoriously been selected to be the victims of assassination—when a system of terror has been established, by means of secret and menacing associations, as desperate in its aims, as it is atrocious in its objects—when persons are known to be plotting against the happiness of the community, and nightly meetings are held for the purpose of privately training them in the use of arms—when the public houses have been visited as the means of supplying them with ammunition—when the war-hoop of sedition is sounded through the country, by demagogues, French hirelings, and political adventurers—when the press has been loaded with the most daring and inflammatory libels against the laws, the justice and the authority of the state—when even the very mildness of our constitution has been turned into a

weapon against itself, from the privilege it im-
 parts to licentiousness, and the impunity which
 too often it ensures to guilt—was it not a time
 for the constitutional guardians of Irish liberty,
 to stretch forth their legislative arm, and save
 the constitution from the destruction with which
 it was threatened, by fortifying it with new
 securities against the undamp'd dangers
 which assailed it? It is these persons therefore,
 by creating the necessity, who made these
 laws, and not their representatives, who have
 only been driven to enact them for our common
 safety, as a rampart to secure us from the
 mischiefs of anarchy and desolation. To say
 that they are repugnant to the principles of our
 constitution is only to misinterpret the nature
 of both. Every law is conformable to the spirit of
 the constitution which goes to secure its exist-
 ence, and the principle of the constitution being
 to communicate and to ensure to every man as
 great a portion of civil liberty, as is consonant
 with the nature of his condition in his relation
 to the State, and to bind him, in return, to a
 due submission, and support of its lawful
 authority, it necessarily follows that where
 treasonable

treasonable practices are notoriously prevalent,
 and a system of measures avowedly pursued,
 which equally endanger the right of the subject,
 and the authority of the state, that every law
 is consonant to the principle of the constitution
 which strictly goes to maintain both the one
 and the other inviolate; and that those laws
 must ever be considered as sanctioned by jus-
 tice, which are only framed to protect us from
 the horrors of revolutionary innovation; and
 which seek to perpetuate the blessings we en-
 joy, by preserving that admirable and happy
 form of constitution to which we owe them,
 from being overthrown by a daring and sys-
 tematic attempt at reform, and substituting its place.
 In the last days of Roman liberty, when the
 commonwealth was in danger, the laws were
 armed with additional force; and the magis-
 trates were entrusted with increased authority.
 But, when the occasion ceased to which they
 owed their extension, each were reduced with-
 in their usual, and constitutional limits.—
 They were only considered as provisional secu-
 rities against new and unforeseen dangers; cal-
 culated to strengthen and not to undermine the
 old constitution.

liberties

liberties of the people, by repressing conspiracies, curbing factions, and preserving a just balance between the use, and the abuse, of popular privilege; in the same way, as in the case of foreign and domestic danger. The Habeas Corpus act has occasionally been suspended in Great Britain and Ireland, with very beneficial effect to the general happiness and tranquillity of both Kingdoms. So it is, with respect to these laws. If they have any thing in them beyond the ordinary mildness of our constitution, it is because the occasion called them into action, by loudly demanding a prompt and vigorous restraint upon the desperate designs of those who were meditating its subversion. It is not sufficient to say, these were laws unknown to our ancestors. They are therefore at variance with the principles of our constitution. The answer is obvious. These times, and the crimes growing out of them, were equally unknown to our forefathers. Both are new in the page of our history. Their laws were consonant to the period in which they lived; and grew out of their situation. So must it be with us. No

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system

system of laws can be stationary. In proportion as new crimes engender new dangers, they induce the necessity of fresh laws to counteract their influence, upon the manners, opinions, and morals of society. To say, therefore, our ancestors were strangers to such laws, is not to prove that they are oppressive. It only goes to establish, that they lived at a happier period, when the loyalty and good sense of the people rendered them unnecessary; and when man, contented to derive his wisdom from experience, was satisfied with practical comforts, nor sought to exchange them, for the illusive superiority of theoretical business. Let those who complain against these laws shew, by their conduct, that there is no occasion for them, and they will be done away. But when every day is coming with some new outrage to the rights of individuals, and some fresh attack upon the authority of government, they will continue to appear, what they really are, a safe-guard to the public, and a security to the constitution.

To

To the great majority of the nation, who approve of these laws, it is almost unnecessary to say, that it is only by maintaining these, and every part of the constitution inviolate, that we do our duty to our country, and can hope to preserve it from the storms which surround it, and transmit it to our children, as we received it from our ancestors, to be a guardian security for their happiness. The awful events which have rolled upon the age, and the miseries they have entailed upon the present, and future generations, are an impressive lesson which ought never to be lost to us, nor forgotten. If we treasure it wisely, and apply it judiciously, we may yet avoid those evils they have inflicted upon other States, and exhibit to subjugated nations the wiser example of a people preserved from downfall, by opposing, to the giddy contagion of dazzling, but deceptive systems, a just and sober reverence for the superior excellencies of their own established government. And whilst, in the surrounding scene, we can gaze upon nothing but what, in the wreck of society,

and the desolation of empires, is calculated to afflict the heart of man; to us, at least, amidst the inseparable calamities of war, is yet the happier lot, of witnessing the growing prosperity of a rising kingdom; and of enjoying beneath the shade of mild and equal laws, the benefits resulting from encreasing commerce, improving agriculture, and all the peaceful, happy arts, which gilding human industry adorns the happiness it promotes.—

To sacrifice these to visionary ideas of impracticable equality, or abstract notions of ideal perfection, in human institutions, may be an experiment worthy of a people of levity like the French; but can never become the act of a grave and temperate nation like this, until the very vestige of its former wisdom, and every trace of its ancient character are buried beneath the ruins of its reason, in the general dissolution of its laws.—To say that we are not in a situation in which great exertion is necessary, to enable us to maintain these advantages, would be, to give an uncandid picture of our actual position.—The enemy incited

incited by the lure of plunder, and that restless spirit of ambition, which has through so many ages disturbed the common repose of mankind, has haughtily rejected our proposals for peace, without submitting to a discussion of the terms; and abruptly dismissed our Ambassador. The cause therefore, of suffering humanity is yet to bleed; and nothing is left to us, but the alternative of extending the republican dominion of France, to the ruin of ourselves; or, firmly resisting pretensions as extravagant in their nature, as would prove destructive in their consequences, if admitted to the general interests of Europe at large.

Our present situation therefore, imperiously speaks to the feelings of every man to whom the freedom and happiness of his country are dear.—We have a great stake at issue.—The temple of our laws; the sanctuaries of our worship; the majesty of our independence; are all to be preserved, from the ferocious fangs of an unprincipled, and atheistical foe! —May the glory of our struggle be proportioned to the magnitude of our interests!—We have

Have escaped from one invasion: Let us be prepared to resist another, by brave and energetic co-operation: Let me shew, that if in the circumstances, (from the intricate state of the winds, which prevented the sailing of the British fleet) we have been indebted to the elements for the discomfiture of the enemy, we may equally anticipate his defeat in the other, from the spirit of resistance which a righteous cause inspires, and the heroic devotion which the love of liberty inspires in the breasts of a free and virtuous people. But enough; let us now to the enemy, and to the work we have to do. The first question may be divided upon the three topics of internal legislation, we are concerned in the general question of maintaining the sovereignty of our empire, and what we are now to do in the crisis, as to the state of our country, these higher questions of particular laws, which ought never to be separated from a general system of distributed to the constitution,

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